

REMARKS

By this Second Preliminary Amendment, Applicants have canceled claims 1 - 31 and 33 - 47 without prejudice or disclaimer of the subject matter contained therein, and have added claims 49 - 77. Therefore, claims 49 - 77 are pending in this application. Applicants want to advise the Examiner that claims 49 - 51 are substantially identical to, and have been copied from, claims 1 - 3, respectively, of U.S. Patent No. 6,171,327 to Daniel et al. Applicants further advise that claims 52 - 77 are substantially identical to, and have been copied from, claims 1 - 6, 9 - 23, and 26 - 30, respectively, of U.S. Patent No. 6,544,280 to Daniel et al.

All of the currently pending claims are directed to the same patentable invention as that in the '327 and '280 patents. Claims 49 - 77 have been added to the originally-filed application to more closely track the language of the claims in these two patents and provide an appropriate claim to serve as part of the count should Applicants decide, after completing their analysis, that an interference is indeed desired. If such a determination is ultimately made, a further paper containing the information required by 37 CFR §§ 1.604 and 1.607 will be submitted. Should the Examiner reach this case for action prior to receiving such a paper, the Applicants respectfully request the Examiner please contact the undersigned at the telephone number set forth below.

The Applicants note that the term, "centring catheter," was utilized in the parent application, No. PCT/IE00/00097, and also in the present application and claims, including the Preliminary Amendment filed herein on January 14, 2002. However, when the present application was published by the U.S. Patent and Trademark Office on May 16, 2002 as US 2002/0058963 A1, this term was changed by the Patent and Trademark Office to "centering catheter." The Applicants accept this minor grammatical change to the language utilized in the application and accordingly present claims 49 - 77 herein to also read as "centering catheter."

While claims 49 - 77 have been added to the application by the present amendment, it is clear that there is no question of compliance with 35 U.S.C. § 135(b) because most of the originally filed claims were directed to the same patentable invention as that claimed in the '327 and '280 patents. Indeed, if an interference is desired, it is clear that all of the claims of both patents would be properly included in the interference.

Summary

The present Second Preliminary Amendment is being submitted prior to the examination of the application; and, as such, it is believed that no fees are due for the Amendment. However, if any fees are required in connection with this Amendment, please charge the same to our Deposit Account No. 02-4800.

Respectfully submitted,

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